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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MEDISIM, LTD

Plaintiff - Counterdefendant  
v.

BESTMED, LLC

Defendant - Counterclaimant

Civil Action No.: 10-cv-2463 (SAS) (RLE)

**BESTMED, LLC'S MOTION FOR  
JUDGMENT AS A MATTER OF LAW,  
OR ALTERNATIVELY FOR A NEW  
TRIAL**

**NOTICE IS HEREBY GIVEN** that, BestMed, LLC will hereby and does move before the Honorable Judge Scheindlin, Judge of the United States District Court for the Southern District of New York, at a time and place to be scheduled by this Court, for an order granting BestMed, LLC's Motion for Judgment as a Matter of Law. In particular, that BestMed, LLC is entitled to judgment as a matter of law that:

- 1) U.S. Patent No. 7,597,668 is Invalid as Anticipated;
- 2) U.S. Patent No. 7,597,668 is Invalid as Obvious;

- 3) U.S. Patent No. 7,597,668 is Invalid for Lack of Enablement;
- 4) U.S. Patent No. 7,597,668 is Invalid for Lack of Written Description;
- 5) BestMed, LLC Does Not Infringe U.S. Patent No. 7,597,668;
- 6) BestMed, LLC Does Not Induce Infringement of U.S. Patent No. 7,597,668;
- 7) BestMed, LLC Does Not Contribute to the Infringement of U.S. Patent No. 7,597,668;
- 8) BestMed LLC Does Not Willfully Infringe U.S. Patent No. 7,597,668;
- 9) Medisim, Ltd. is Not Entitled to the Jury Awarded Damages for Patent Infringement;
- 10) BestMed, LLC is Not Liable for Unjust Enrichment under New York Law;
- 11) Medisim, Ltd. Is Not Entitled to Damages for Unjust Enrichment Awarded by the Jury; and
- 12) Any further relief as this Court may deem just, proper, and equitable.

Alternatively, BestMed is entitled to a new trial on the aforementioned issues.

This Motion is based on BestMed, LLC's Memorandum of Law in Support of its Motion for Judgment as a Matter of Law, or Alternatively for a New Trial and the Declaration of Brian R. Michalek with all exhibits thereto submitted concurrently.

Respectfully submitted,

Dated: March 4, 2013

By: /s/ Joseph M. Kuo  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 4, 2013, a copy of the foregoing **BESTMED, LLC'S MOTION FOR JUDGMENT AS A MATTER OF LAW, OR ALTERNATIVELY FOR A NEW TRIAL** was electronically filed with the Court via ECF which thereby served an e-mail notice upon the attorneys listed below:

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